

REMARKS

On the Office Notice mailed September 6, 2005, it is indicated that Applicants' December 18, 2003 Amendment and Response is considered noncompliant. Applicants wish to point out for the record that the Amendment and Response currently awaiting consideration by the Examiner was submitted on September 10, 2004. In fact, no fault with respect to compliance was found with the December 18, 2003 Amendment and Response when it was received by the Office, and the Examiner considered that document and issued a new substantive Office Action in response. It is not seen how it can be appropriate to deem Applicants' 2003 response noncompliant after the fact of its having been considered fully by the Examiner and acted on. Furthermore, if Applicants' December 18, 2003 Amendment and Response is truly to be considered as the basis for the issuance of the September 6, 2005 Office Notice, this means that over 20 months elapsed between the time the response was submitted and the Office made its determination of noncompliance and issued the Notice of Non-Compliant Amendment.

In any event, Applicants have presented herein a revised list of the claims based on the list presented in their September 10, 2004 Amendment and Response, which the Examiner has yet to substantively consider. The list has been revised insofar as required to respond to the issues raised in the

current Office Notice.

No fees should be due in connection with this communication. However, should it be determined that a fee is required for any reason, the Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Date: September 9, 2005

Respectfully submitted,



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Enclosures

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